

APPROVED MINUTES
BROOKFIELD ZONING COMMISSION
Thursday, September 12, 2013 – 7:00 p.m.
MEETING ROOM #133 – TOWN HALL, 100 POCONO ROAD

1. Convene Meeting

Chairman R. Blessey convened the meeting at 7:00 p.m. and established a quorum of members.

Present: Chairman R. Blessey, Vice Chairman M. Grimes, Secretary F. Lollie, Alternate and Voting Member J. Varda (arrived at 7:02 p.m.)

Absent: C. Lynch, L. Miller, Alternates J. Cordisco and M. Frankel

Also Present: Zoning Enforcement Officer A. Dew, Recording Secretary D. Cioffi

- a. **Review Minutes of Previous Meetings: 8/8/13 – Vice Chairman Grimes moved to approve the Minutes of the August 8, 2013 meeting.** *Not a sufficient quorum at this time.*

2. Land Use Enforcement

a. **Enforcement Officer's Report:**

ZEO Dew reported on the following:

Request for Voluntary Compliance

6 Oak Lane, #201300689 – Registration for the vehicles has been provided and the property is now in compliance. ZEO Dew will remove this item from the Report.

157 Whisconier Road, #201300697 – The pool was removed. ZEO Dew will remove this item from the Enforcement Report.

10 Obtuse Rocks Road, #201300788 – A dumpster was brought to the site, and the property owner reported that the property has been cleaned up. ZEO Dew will inspect to confirm, and this matter will remain on the Report until that time.

14 Oak Grove Road, #201300832 – This matter resulted from a complaint by the Health Department regarding an undocumented apartment. Voluntary compliance was requested by September 20, 2013. **Vice Chairman Grimes moved to issue a Cease and Desist to 14 Oak Grove, #201300832, if no compliance by September 20, 2013. Secretary Lollie seconded the motion, and it carried unanimously.**

Cease and Desist Orders

594 Federal Road, #201200948 – This matter is on this evening's agenda under New Business.

12 Pocono Ridge Road, #201200893 – The variance was approved by the Zoning Board of Appeals. This matter can be removed from the Report.

39 Deer Run Road, #201300758 – The homeowner has abandoned the house and there is garbage and debris at the site. Written correspondence to the property owner was returned unanswered and unclaimed. ZEO Dew is waiting to hear from the mortgage company.

14 Candlewood Lake Road, #201300797 – This matter involved an illegally illuminated sign. Since the issuance of a Cease and Desist Order, the sign has not been lighted. There is a special permit for another sign on the road. This matter will remain on the Report.

143 Federal Road, #201300805 – This matter involved another sign that was illuminated after the moratorium. A Cease and Desist Order was issued, and Assistant ZEO Lollie witnessed the breaker being shut off. This matter will be left on the Report.

901 Federal Road, #201300829 – ZEO Dew spoke with M. Handshy, and he has ensured her the banner will not return. Mr. Handshy inquired what type of signage is allowed in the Town Center District, as there are no regulations for advertising for residential sales in the TCD. *J. Metcalf, Newbury Village was present.* He noted his concern regarding options for competing with larger developers' marketing campaigns. There was discussion regarding the directional signs on the corners. Upon inquiry from Chairman Blessey, Mr. Metcalf reviewed the number of remaining units for sale in each building of the development. Chairman Blessey has been requested to meet with D. Stone. There is currently one regular commercial sign at the site now. Banners were also put up and ZEO Dew

received an inquiry if banners were now allowed. Chairman Blessey advised Mr. Metcalf that there are upcoming regulation changes for the TCD that do address signage in that zone.

Citation

70 Ironworks Hill Road, #201300482 – This house is in foreclosure;

1 High Ridge Road, #201000315 - The property owner is serving 41 months in prison for Medicare fraud.

9 Stoney Farm Lane, #201100095 – ZEO Dew has not received an update from Special Town Counsel P. Olson.

3. Review Correspondence

- a. **Minutes of other Boards and Commissions: Inland Wetlands Commission 8/12/13, 8/26/13; Zoning Board of Appeals 8/5/13; Planning Commission 8/1/13, 8/15/13; Zoning Sub- Committee**
- b. **Legal Briefings for Building Inspectors: August 2013**

No discussion/no motions.

4. Public Hearing: None

5. Old Business: None

6. New Business:

- a. **Brookfield Route 202 Complete Streets and Driveway Plan:** Presentation by Jonathan Chew, Executive Director of HVCEO.
 1. Inventory of HVCEO Transportation Plans

J. Chew, Executive Director of HVCEO, was present. He submitted to the Commission a report entitled, “9/12/2013 Request to the Brookfield Zoning Commission for its endorsement of an application by HVCEO TO CT DOT for federal funding to prepare a transportation plan for Route 202 in Brookfield, CT”. He noted that Brookfield was one of the first towns to have curb cut management in its technical standards. Mr. Chew is seeking the Commission’s endorsement prior to applying for a grant. He reviewed some of the specifics of the proposal. Chairman Blessey inquired regarding the amount of the grant. Mr. Chew indicated that HVCEO “can’t go over \$50(thousand?)”. The application date is October, and if approved, funding would occur July 1, 2014. Chairman Blessey noted that the project coincides well with the streetscape engineering that will be occurring with STEAP grant funds. **Vice Chairman Grimes moved that the Commission endorse the Route 202 Transportation Plan as recommended by Jonathan Chew, Executive Director, HVCEO. Chairman Blessey seconded the motion, and it carried unanimously.**

- b. **46 Longview Drive #201300751: Single Family Conversion (dec date 11/15/13)**

A. Elliot, 46 Longview Drive, was present. She has an in-law apartment that she would like to rent it out. She meets the age requirement and will file the affidavit with the Land Use Office, to be renewed annually. ZEO Dew advised that there has to be an interior door, and Ms. Elliot confirmed that there is one. **Vice Chairman Grimes moved to approve #201300751, Single Family Conversion at 46 Longview Drive. Secretary Lollie seconded the motion, and it carried unanimously.**

- c. **227 Candlewood Lake Road (Echo Bay Marina) #201300764: Site Plan Modification to put a roof over the wash down pad (dec date 11/15/13)**

1. Site Plan Map prepared by CJOJ, LLC dated 9/10/95 – handed into Land Use 8/20/13

Vice Chairman Grimes recused himself from this matter and left the room.

M. Rogg, 227 Candlewood Lake Road, was present. He explained the wash-down pad that is present and the procedure that has been utilized. Current regulations require that the water be captured. He is proposing to add a roof (four-sided open structure). The plans were reviewed. Upon inquiry from Chairman Blessey, Mr. Rogg advised that the structure cannot be seen from the lake or South Mountain Road, except in the fall. Commissioner Varda inquired if a previous complaint had been resolved. ZEO Dew and Assistant Lollie indicated that a walk-through was recently done, and the matter has been resolved.

Secretary Lollie moved to approve #201300764, Site Plan Modification to put a roof over a wash-down pad at 227 Candlewood Lake Road, Echo Bay Marina, per a drawing revised 8/5/2013, and the example photograph. Commissioner Varda seconded the motion, and it carried unanimously.

d. 594 Federal Road #201300776: Caretakers Apartment

Vice Chairman Grimes returned to the meeting.

W. Lavelle, 328 Federal Road, Brookfield, was present. The plans for the caretaker's apartment were reviewed. There was discussion regarding the previous uses at the site. Mr. Lavelle indicated that the property was converted 25 years ago, with a retail use downstairs and a caretaker's apartment upstairs. ZEO Dew advised that the site was a hair/nail salon. Chairman Blessey inquired what the caretaker would be doing, and Mr. Lavelle advised he/she would watch over this property in the industrial/commercial zone. The remainder of the property will remain commercial or any other use allowed in the IRC zone, and this will put the property in compliance.

Chairman Blessey moved to approve the caretaker's apartment, the resident of the front building, with commercial use in the rest of the building. Vice Chairman Grimes seconded the motion. Secretary Lollie inquired regarding the timetable, and ZEO Dew advised that the property owner was given until September 23, 2013. Motion carried unanimously.

e. 594 Federal Road #201300777: Site Plan Modification for additional parking for Landscaping Business (dec date 11/15/13)

1. Site Plan map dated 5/8/91 handed into Land Use 8/22/13

W. Lavelle, 328 Federal Road, Brookfield, was present. He indicated that the additional parking is for the landscaping business: trucks, trailers, storage trailers, mulch, and parking for landscaping equipment. Chairman Blessey inquired of ZEO Dew what the buffer is for the IRC zone. She advised it is 30' for rear and side-yard, if the zone/use is for IRC 40. Mr. Lavelle contends that the things that are parked there have been there for many years. Chairman Blessey reiterated that there must be 30 feet from the property line to any use. He further advised that the Commission cannot approve anything that does not comply with the regulations regardless of how long it has been there. There was discussion regarding applying for a variance with the Zoning Board of Appeals.

Mr. Lavelle withdrew the application and noted such on the application.

Vice Chairman Grimes left the room at 7:35 p.m.

f. 366 Federal Road (Healthy Weighs) #201300799: Site Plan Modification to modify rain garden plantings, modify sidewalk and accessible ramp design (dec date 11/15/13)

1. "Site Plan" map prepared by CCA, LLC dated 8/31/12 revised thru 8/12/13 – sheet C1

W. Conner, 366 Federal Road, was present. He is proposing: 1) a change on south side to add a handicapped ramp, 5' X 10', comprised of wood material, and a concrete pad with a curb. Secretary Lollie inquired if a detectible warning strip would be installed, and ZEO Dew advised that the Building Inspector would confirm this ADA requirement is met;

Vice Chairman Grimes returned to the room at 7:37 p.m.

2) a change to the walkway on the north side; and 3) a change in the plantings that are more compatible with the soil.

ZEO Dew submitted a memo from WEO Officer K. Daniel.

Vice Chairman Grimes moved to approve 366 Federal Road, #201300799: Site Plan Modification. Commissioner Varda seconded the motion, and it carried unanimously.

g. 419 Federal Road (Sunburst Landscaping) #201300827: Site Plan Modification for landscaping and extending a berm (dec date 11/15/13)

M. Kornhaas, Artel Engineering, 304 Federal Road, and P. DiScala, Sunburst Landscaping, were present. Mr. Kornhaas discussed that the water will flow to the same place it currently does (low point on north end). The plans were reviewed. Wetlands Enforcement Officer K. Daniel was concerned regarding the silt fence holding. Chairman Blessey advised that a more concentrated amount of water on someone else's property would constitute a zoning violation. ZEO Dew and Assistant ZEO Lollie were unable to access the property. ZEO Dew did note that the impervious surface is not being increased and drainage adjustments were made. Mr. Kornhaas modified the plans, specifically, Sheet 4, to add rip rap and 3" crushed stone, and they were also initialed by Chairman Blessey. It was also noted that the trees were staggered to another location, and a six-foot, chain-link fence was added. The mulch bins have been moved back to their original proposed location, and are able to be disassembled. The applicant has to provide a letter from the abutting property owner regarding the encroachment on its property.

Mr. DiScala will stop work except for hydroseeding.

With regard to application #201300827, Commissioner Varda moved to conditionally approve, the stipulated changes, including the grading, the berm, the relocation of the mulch bins and the trees, the addition of the fence, and upon receipt of a letter from the Steiner, the Site Plan Modification for 419 Federal Road. Chairman Blessey seconded the motion, and it carried unanimously.

7. Tabled Items: None.

8. Informal Discussion:

a. Lighting Moratorium: No discussion/no motions.

b. **Mobile Vending:** Requested by Boyd Saxton who is interested in vending at the Sunset Hills Golf Course

1. Memo from Nina Mack, Land Use Secretary to Zoning Commission dated 8/27/13
 - Attachment titled Discussion and History of Mobile Food Vending in Brookfield prepared by Nina Mack

B. and A. Saxton, 95 Lakeview Terrace, Sandy Hook, CT, were present. Chairman Blessey explained that mobile vending can be done on public property via permission from the Board of Selectmen, but not on private property. He further advised the Saxtons that the property owner for Sunset Hills Golf Course would have to file the application. Mr. Saxton indicated that the Health Department has approved the cart but would like to see it. Chairman Blessey indicated that the use of restaurant/food service would have to be allowed in the zone. He noted that while Sunset Hill is a residential zone, there is a grandfathered business there. Upon inquiry from Vice Chairman Grimes, Mr. Saxton stated that the cart would be parked in the parking lot, and towed home every day. Chairman Blessey explained the application process that would have to be completed for any other location the business wishes to vend at. There was discussion regarding selling at an event with an invited crowd, and what type of locations constitute public property.

9. Comments of Commissioners: Vice Chairman Grimes reminded fellow Commissioners to review the examples of other municipalities' regulations in preparation for discussion at an upcoming meeting.

There was brief discussion regarding a letter from C. Timmerman, Vice Chairman, ZBA, regarding the measurement of lumens. Chairman Blessey discussed the difficulty of measuring lumens, and their comparison to watts. He suggested using the word "equivalent" in the regulation so that the measurement is quantifiable. ZEO Dew noted that some regulations require a shield in front of LED lights. There was continued discussion regarding the difficulty of measuring. Secretary Lollie discussed how Tolland handles it in its regulations. The topic of LED Lighting/Regulation Change, will be put on the September 26, 2013 meeting so that language may be drafted.

1. **Convene Meeting (continued)**

- a. **Review Minutes of Previous Meetings:** 8/8/13 – Vice Chairman Grimes moved to approve the Minutes of the August 8, 2013 meeting. Chairman Blessey seconded the motion, and it carried, with Secretary Lollie abstaining.

10. Adjourn: Vice Chairman Grimes moved to adjourn the meeting at 8:07 p.m. Commissioner Varda seconded the motion, and it carried unanimously.

****Next Regular Meeting Scheduled for September 26, 2013****